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Fifty-first session
Item 68 of the preliminary list*

ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN SOUTH ASIA

Report of the Secretary-General

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I. INTRODUCTION

1. On 12 December 1995, the General Assembly adopted resolution 50/67, entitled "Establishment of a nuclear-weapon-free zone in South Asia". In that resolution, the Assembly requested the Secretary-General to communicate with the States of the region and other concerned States in order to ascertain their views on the issue and to promote consultations among them with a view to exploring the best possibilities of furthering the efforts for the establishment of a nuclear-weapon-free zone in South Asia (para. 4), and also requested the Secretary-General to report on the subject to the General Assembly at its fifty-first session (para. 5).

2. In response to his note verbale of 17 January 1996, the Secretary-General has to date received the reply which is reproduced in section II below. Should the Secretary-General receive further replies from Member States, they will appear in addenda to the present report.

II. REPLIES RECEIVED FROM GOVERNMENTS

THE EUROPEAN UNION AND THE COUNTRIES OF CENTRAL AND EASTERN EUROPE ASSOCIATED WITH IT (BULGARIA, CZECH REPUBLIC, ESTONIA, HUNGARY, LATVIA, LITHUANIA, POLAND, ROMANIA, SLOVAKIA) AS WELL AS THE ASSOCIATED COUNTRIES CYPRUS AND MALTA

[Original: English]

[28 May 1996]

1. The European Union believes that nuclear-weapon-free zones can enhance both global and regional security. It therefore supports the project of the establishment of a nuclear-weapon-free zone in South Asia. However, for this to be achieved it is essential that such zones be based on arrangements freely arrived at by all the States in the region and that they do so in a way that recognizes general principles of international law and behaviour. We note that in paragraph 2 of resolution 50/67 the General Assembly urges the States of the region to continue to make all possible efforts to establish such a zone in South Asia and to refrain, in the meantime, from any action contrary to that objective.

2. Although the project of a nuclear-weapon-free zone in South Asia certainly constitutes an important regional contribution to nuclear non-proliferation, it cannot substitute for membership in the Treaty on the Non-Proliferation of Nuclear Weapons, which remains the cornerstone of the international non-proliferation regime. The European Union will therefore continue to appeal to countries that have not yet done so to accede to the Non-Proliferation Treaty. Adherence to the Non-Proliferation Treaty by the States of the region would help give confidence that nuclear programmes in South Asia were exclusively for peaceful purposes.

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ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER ELECTIONS: ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

Note by the Secretary-General

1. The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947 for the promotion of the progressive development of international law and its codification. The Commission is composed of 34 members whose term of office will expire at the end of 1996. The election of the members of the Commission for the next five-year term, beginning on 1 January 1997, will be held at the fifty-first session of the General Assembly.

2. Article 3 of the statute of the Commission requires that the members of the Commission be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. In accordance with that article and other relevant provisions of the statute of the Commission, the Secretary-General, in a note verbale dated 1 November 1995, requested the permanent representatives of States Members of the United Nations to submit to him by 1 June 1996 the names of the candidates whom the Governments of Member States might wish to nominate for election to the Commission, together with statements of qualifications of such candidates.

3. Article 6 of the statute of the Commission provides that the Secretary-General shall, as soon as possible, communicate to the Governments of States Members of the United Nations the names of the candidates nominated, and any statements of qualifications of candidates that may have been submitted by the nominating Governments. The nominations submitted by Governments to the Secretary-General, in reply to his request, are, pursuant to article 6 of the statute, set out below:

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Name and nationality	Nominated by
Addo, Emmanuel Akwei (Ghana)	Ghana
Al-Baharna, Husain (Bahrain)	Bahrain
Al-Khasawneh, Awn Shawkat (Jordan)	Jordan Austria Iceland
Al-Nauimi, Najeeb (Qatar)	Qatar
Baena Soares, João Clemente (Brazil)	Brazil
Bennouna, Mohamed (Morocco)	Morocco
Brownlie, Ian (United Kingdom of Great Britain and Northern Ireland)	United Kingdom of Great Britain and Northern Ireland India
Camara, Sikhe (Guinea)	Guinea
Candioti, Enrique J. A. (Argentina)	Argentina Panama Austria
Crawford, James Richard (Australia)	Australia
De Ruyver, Brice (Belgium)	Belgium
de Saram, John (Sri Lanka)	Sri Lanka Sudan
Dugard, Christopher John Robert (South Africa)	South Africa United Kingdom of Great Britain and Northern Ireland
Economides, Constantin P. (Greece)	Greece
Elaraby, Nabil (Egypt)	Egypt France
Ferrari Bravo, Luigi (Italy)	Italy
Fomba, Salifou (Mali)	Mali
Galicki, Zdzislaw (Poland)	Poland

Name and nationality	Nominated by
Hafner, Gerhard (Austria)	Austria Portugal Jordan Netherlands Croatia Slovenia Argentina
He, Qizhi (China)	China
Herdocia Sacasa, Mauricio (Nicaragua)	Nicaragua
Idris, Kamil (Sudan)	Sudan Cameroon Sri Lanka
Illueca, Jorge E. (Panama)	Panama Argentina Spain
Jacovides, Andreas J. (Cyprus)	Cyprus
Kamto, Maurice (Cameroon)	Cameroon
Kateka, James Lutabanzibwa (United Republic of Tanzania)	United Republic of Tanzania
Liverpool, Nicholas Joseph Orville (Dominica)	Dominica
Lukashuk, Igor Ivanovich (Russian Federation)	Russian Federation Netherlands
Malla, Churamani Raj Singh (Nepal)	Nepal
Melescanu, Teodor Viorel (Romania)	Romania
Mikulka, Václav (Czech Republic)	Czech Republic Slovakia
Momtaz, Djamchid (Iran, Islamic Republic of)	Iran (Islamic Republic of)
Opertti Badan, Didier (Uruguay)	Uruguay
Pambou-Tchivounda, Guillaume (Gabon)	Gabon

Name and nationality	Nominated by
Pellet, Alain (France)	France Slovakia Germany Cameroon India
Rao, Pemmaraju Sreenivasa (India)	India France Iceland Japan United Kingdom of Great Britain and Northern Ireland
Razafindralambo, Edilbert (Madagascar)	Madagascar
Rodríguez-Cedeño, Victor (Venezuela)	Venezuela
Rosenstock, Robert (United States of America)	United States of America
Sepúlveda, Bernardo (Mexico)	Mexico Iceland
Simma, Bruno (Germany)	Germany France Hungary
Solari Tudela, Luis (Peru)	Peru
Thiam, Doudou (Senegal)	Senegal
Vassylenko, Volodymyr A. (Ukraine)	Ukraine
Villagrán Kramer, Francisco (Guatemala)	Sudan
Yamada, Chusei (Japan)	Japan Mongolia Singapore Dominican Republic Hungary Bhutan Iceland India

4. The statements of qualifications of candidates received from the nominating Governments are to be found in document A/51/178.

5. The General Assembly, by resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission should be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the resolution.

6. The rotational seat referred to in subparagraph (f) above was allocated to a national of an African State at the election held in 1981, to a national of an Eastern European State at the election held in 1986 and again to a national of an African State at the election held in 1991. Accordingly, the seat shall be allocated to a national of an Eastern European State at the forthcoming election.

7. The rotational seat referred to in subparagraph (g) above was allocated to a national of an Asian State at the election held in 1981, to a national of a State of Latin America and the Caribbean at the election held in 1986 and again to a national of an Asian State at the election held in 1991. Accordingly, the seat shall be allocated to a national of a State of Latin America and the Caribbean at the forthcoming election.

8. Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 1997 will be as follows:

Eight nationals from African States;

Seven nationals from Asian States;

Four nationals from Eastern European States;

Seven nationals from Latin American and Caribbean States;

Eight nationals from Western European and other States.

9. The election will be held under the appropriate provisions of the statute of the Commission and of the rules of procedure of the General Assembly.

10. Article 2, paragraph 1, of the statute of the Commission provides that the Commission shall consist of persons of recognized competence in international law. Article 8 states that at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. Article 7 of the statute provides that the Secretary-General shall prepare the list provided for in article 3, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit the list to the Assembly for the purposes of the election. The Secretary-General will at a later date, pursuant to article 7 of the statute, prepare and submit to the Assembly such a list of all the candidates nominated.

12. By rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot and, accordingly, under the terms of rule 88, there shall be no explanation of vote, either before or after the voting.

13. According to article 9 of the statute of the Commission, those candidates, up to the maximum number prescribed for each regional group, who obtain the greatest number of votes and at least a majority of the votes of the States Members present and voting shall be elected. If the maximum number of persons prescribed for each regional group is not elected on the first ballot, there shall be additional ballots to fill the remaining places in accordance with the appropriate provisions of rule 94 of the rules of procedure of the General Assembly.

14. Article 10 of the statute of the Commission states that the members of the Commission shall be eligible for re-election. The present membership of the Commission, whose term expires at the end of 1996, is set out in the annex to the present note.

ANNEX

Present membership of the International Law Commission, whose term expires at the end of 1996

Mr. Husain Al-Baharna (Bahrain)

Mr. Awn Al-Khasawneh (Jordan)

Mr. Gaetano Arangio-Ruiz (Italy)

Mr. Julio Barboza (Argentina)

Mr. Mohamed Bennouna (Morocco)

Mr. Derek William Bowett (United Kingdom)

Mr. Carlos Calero-Rodrigues (Brazil)

Mr. James Crawford (Australia)

Mr. John de Saram (Sri Lanka)

Mr. Gudmundur Eiriksson (Iceland)

Mr. Nabil Elaraby (Egypt)

Mr. Salifou Fomba (Mali)

Mr. Mehmet Güney (Turkey)

Mr. Qizhi He (China)

Mr. Kamil Idris (Sudan)

Mr. Andreas Jacovides (Cyprus)

Mr. Peter Kabatsi (Uganda)

Mr. Mochtar Kusuma-Atmadja (Indonesia)

Mr. Igor Lukashuk (Russian Federation)

Mr. Ahmed Mahiou (Algeria)

Mr. Václav Mikulka (Czech Republic)

Mr. Guillaume Pambou-Tchivounda (Gabon)

Mr. Alain Pellet (France)

Mr. Pemmaraju Sreenivasa Rao (India)

Mr. Edilbert Razafindralambo (Madagascar)

Mr. Patrick Lipton Robinson (Jamaica)

Mr. Robert Rosenstock (United States)

Mr. Alberto Szekely (Mexico)

Mr. Doudou Thiam (Senegal)

Mr. Christian Tomuschat (Germany)

Mr. Edmundo Vargas-Carreño (Chile)

Mr. Francisco Villagrán Kramer (Guatemala)

Mr. Chusei Yamada (Japan)

Mr. Alexander Yankov (Bulgaria)

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Note by the Secretary-General

Addendum

1. Subsequent to the issuance of document A/51/177 on the nomination of candidates for the election of the members of the International Law Commission, the following nominations have been received by the Secretary-General:

Name and nationality	Nominated by
CRAWFORD, James Richard (Australia)	Canada and New Zealand (notes verbales dated 11 July 1996)
GOCO, Raul I. (Philippines)	Philippines (note verbale dated 13 June 1996)
HAFNER, Gerhard (Austria)	Russian Federation (note verbale dated 18 June 1996)
KABATSI, Peter C. R. (Uganda)	Uganda (note verbale dated 20 June 1996)
KUSUMA-ATMADJA, Mochtar (Indonesia)	Indonesia (letter dated 17 June 1996)
SINGINI, Elton Mawina (Malawi)	Malawi (letter dated 12 July 1996)

2. The statements of qualifications of the candidates listed above are to be found in documents A/51/178 and Add.1.

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* A/51/150.

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